

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456
Master File: 1:01-CV-12257-PBS
Sub-Category Case: 1:09-CV-12056

THIS DOCUMENT RELATES TO:

Hon. Patti B. Saris

State of Mississippi – State Health Plan Cases

STATUS REPORT

Plaintiff the State of Mississippi, by and through its State of Mississippi State and School Employees' Life and Health Insurance Plan ("the Health Plan"), states as follows:

1. A number of Defendants have expressed interest in resolving Plaintiff's claims.
2. In order to accommodate these discussions the Health Plan had to access archived data from both its current and previous pharmacy benefits managers ("PBM").
3. This process took significantly longer than anticipated given, among other things, the need to negotiate confidentiality agreements. However, at this time the Health Plan's expert, Dr. Raymond Hartman of Greylock McKinnon & Associates, is in possession of data from both PBMs.
4. Data has been provided to a number of defendants and substantive settlement discussions are ongoing.
5. The Health Plan requests an additional period of forty-five (45) days from today's date, or until June 30, 2011, to complete the present settlement negotiations. For any defendants with whom no settlement has been reached at that time, Plaintiff proposes that the Court then implement a scheduling order.
6. Plaintiff acknowledges its obligation to provide status reports at the first of the month and will satisfy this obligation going forward.

BY: 

Stuart H. McCluer

OF COUNSEL:
McCULLEY McCLUER PLLC

1223 Jackson Avenue East, Suite 200
Oxford, Mississippi 38655
Telephone: (662) 236-1401
Facsimile: (662) 368-1506

R. Bryant McCulley
One Independent Drive, Suite 3201
Jacksonville, FL 32210
Telephone: (904) 482-4073
Facsimile: (904) 239-5388

**RICHARDSON PATRICK
WESTBROOK & BRICKMAN, LLC**

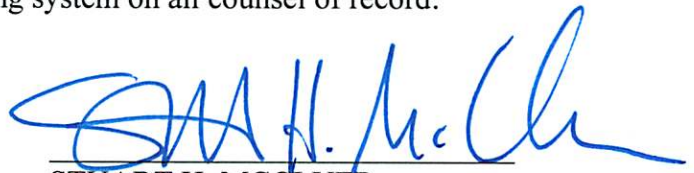
James L. Ward, Jr.
Robert S. Wood
P.O. Box 1007
Mt. Pleasant, SC 29465
Telephone: (843) 727-6500
Facsimile: (843) 216-6509

DAVID SHELTON, Attorney at Law

David W. Shelton
P.O. Box 2451
Oxford, Mississippi 38655
Telephone: (662) 281-1212
Facsimile: (662) 281-1312

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2011, a true and correct copy of the foregoing Status Report was served via the Court's electronic filing system on all counsel of record:


STUART H. MCCLUER

MDL 1456 Status Chart - Mississippi Health Plan Cases

Case Name	MDL Docket Number	Original Jurisdiction	Status
State of MS v. Abbott Laboratories, Inc., et al.	1:09-CV-12058-PBS	Removed to N.D. Miss.	Initial data set provided to defendants.
State of MS v. Barr Laboratories, Inc.	1:09-CV-12056-PBS	Removed to N.D. Miss.	Demand letter to be sent week of May 16, 2011.
State of MS v. Baxter International, Inc., et al.	1:09-CV-12062-PBS	Removed to N.D. Miss.	Initial data set provided to defendants.
State of MS v. Boehringer Ingelheim Corp., et al.	1:09-CV-12063-PBS	Removed to N.D. Miss.	Initial data set provided to defendants.
State of MS v. Forest Laboratories, Inc., et al.	1:09-CV-12065-PBS	Removed to N.D. Miss.	Demand letter to be sent week of May 16, 2011.
State of MS v. Ivax Corp., et al.	1:09-CV-12059-PBS	Removed to N.D. Miss.	Demand letter to be sent week of May 16, 2011.
State of MS v. Sanofi-Aventis, et al.	1:09-CV-12061-PBS	Removed to N.D. Miss.	Initial data set provided to defendants.
State of MS v. Schering-Plough Corp., et al.	1:09-CV-12060-PBS	Removed to N.D. Miss.	Demand letter to be sent week of May 16, 2011.
State of MS v. Teva Pharmaceuticals USA, et al.	1:09-CV-12064-PBS	Removed to N.D. Miss.	Demand letter to be sent week of May 16, 2011.